IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION No. 11263 of 2004

Between:

G.Chandra Rao, s/o G.Swamulu,
r/o Manuguru Area, Khammam District.

..... PETITIONER

AND

1 The Singareni Collieries Co.Ltd., rep., by its Chairman and Managing Director, Kothagudem Collieries-507 101, Khammam District.
2 The Singareni Collieries Company Limited, rep., by its Director PA & W Kothagudem Collieries-507 101, Khammam District.
3 Shri Shashi Kapoor, Enquiry Officer, and G.M.Estates, Kothagudem Collieries-507 101, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ or direction more particularly one in the nature of writ of mandamus declaring the procedure adopted by all the respondents herein for conducting domestic enquiry against the petitioner basing on the charge sheet dated 3-6-2000 for years and adopting unending procedure and not paying TA and DA to the defence representative is illegal, arbitrary and against the principles of natural justice and quash all the domestic enquiry proceedings including the proceedings dated 3-9-2003 fixing the enquiry venue at Ramakrishnapur and fixing the date to 5-7-2004 which is an unilateral and arbitrary action violates Articles 14 and 19(g) of the Constitution of India or in the alternative to direct the respondents to conduct the enquiry as per the principles of natural justice i.e., by paying TA and DA to the defence representative and by changing the enquiry officer and direct the respondents to fix the enquiry venue at Kothagudem and continue to conduct enquiry in free and fair manner at Kothagudem and complete the proceedings with in a time frame of two months by taking up the case as day to day proceeding.

Counsel for the Petitioner: MS.G.SUDHA

Counsel for the Respondents: MR.K.SRINIVASAMURTHY

The Court made the following:

ORDER:

The petitioner is facing a departmental enquiry. It was initiated in 1999. No progress could be made till now and the matter is being repeatedly adjourned. The Enquiry, till now, was conducted at Kothagudem, which is the nearest place to the work place of the petitioner. The grievance of the petitioner is that now the Enquiry Officer is proposing to conduct the enquiry at Ramakrishnapur, which is situated at a distance of 350 kilometres from the work place of the petitioner.

2. The petitioner submits that indefinite delay is being caused in concluding the enquiry by postponing the matter by several adjournments. The petitioner further submits that he has taken the assistance of a retired employee of the respondents organization, and the said employee, being not only old, but also suffering from heart ailments, is not in a position to travel to distant places. Therefore, the petitioner submits that if the enquiry is directed to be conducted at Kothagudem, where the medical facilities are available for heart patients, it would be convenient for the petitioner and the enquiry also can be expedited by conducting the same at one place.

3. In view of the indefinite delay being caused by the Enquiry Officer in proceeding with the enquiry, in view of the representation of the petitioner regarding the health condition of his colleague, who is assisting him in the enquiry, in view of the Enquiry Officer proceeded with the enquiry at Kothagudem for a considerable period, and in view of the difficulty expressed by the petitioner that Ramakrishnapur is not only a distant place, but also an extremist infested area, it would be just and appropriate if the enquiry is directed to be conducted at Kothagudem.

4. Therefore, the 3rd respondent is directed to proceed with the enquiry at Kothagudem and complete the same within three months from the date of receipt of a copy of this order. The 1st respondent is directed to arrange to bring the witnesses, cited in the list of witnesses, to the enquiry.

5. The Writ Petition is, accordingly, disposed of. No order as to costs.

dsr

ASSISTANT REGISTRAR

// **TRUE COPY** //

SECTION OFFICER

To:

1. The Chairman & Managing Director,

Singareni Collieries Company Limited,

Kothagudem Collieries – 507 101,

Khammam District

2. The Director PA & W,

Singareni Collieries Company Limited,

Kothagudem Collieries – 507 101,

Khammam District

3. Shri Shashi Kapoor, Enquiry Officer & G.M.Estates,

Kothagudem Collieries – 507 101,

Khammam District

4. Two CD copies.